

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
vs. )  
)  
HIPOLITO MARTINEZ-MARTINEZ, )  
)  
Defendant. )

CASE NO. 4:17-CR-217

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TRANSCRIPT OF SENTENCING HEARING  
**BEFORE THE HONORABLE WILLIAM T. MOORE, JR.**  
United States Courthouse  
125 Bull Street  
Savannah, GA  
June 11, 2018

COURT REPORTER: Kelly McKee Dorsey, CCR, RMR, CCP  
United States Court Reporter  
P. O. Box 8552  
Savannah, GA 31412  
912-650-4065

(Proceedings reported by mechanical stenography, transcript  
produced by computer-aided transcription.)

APPEARANCES OF COUNSEL

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INTERPRETER:

Willie Chavez

**P R O C E E D I N G S**

**(3:00 p.m.)**

14:59:30 3 THE COURT: Good afternoon. Call the first case,  
14:59:32 4 please, Ms. Bodafor.

14:59:32 5 THE CLERK: Yes, Your Honor. The Court calls the case  
14:59:35 6 of the *United States of America vs. Hipolito Martinez*, Case  
14:59:40 7 Number CR 4:17-217. Representing the government is Tania  
14:59:43 8 Groover. Representing the defendant is Amy Lee Copeland. This  
14:59:46 9 case is called for sentencing.

14:59:48 10 MS. GROOVER: The government is ready to proceed, Your  
14:59:51 11 Honor.

14:59:51 12 MS. COPELAND: The defense is also ready, Your Honor.

14:59:54 13 THE COURT: Ms. Bodafor, I believe we have Mr. Chavez  
14:59:58 14 here as the interpreter. Would you swear the interpreter,  
15:00:01 15 please.

15:00:02 16 THE CLERK: Yes, Your Honor.

15:00:03 17 (Interpreter sworn)

15:00:07 18 THE INTERPRETER: I do.

15:00:15 19 THE COURT: Mr. Martinez-Martinez, you appeared before  
15:00:18 20 this Court on May 29, 2018, accompanied by your attorney,  
15:00:23 21 Ms. Amy Lee Copeland, for a Rule 11 proceeding. On that date,  
15:00:29 22 pursuant to a plea agreement with the government, you pled  
15:00:31 23 guilty and you were adjudged guilty of Count 1 of an indictment  
15:00:38 24 charging you with possession of a firearm by a person illegally  
15:00:43 25 or unlawfully in the United States, in violation of 18 United

15:00:50 1 States Code Section 922(g)(5).

15:00:53 2           Upon completion of the Rule 11 proceeding and the  
15:00:55 3 Court's acceptance of the guilty plea, the Court directed the  
15:00:58 4 United States Probation Office to conduct a presentence  
15:01:02 5 investigation and upon completion to file a report and to  
15:01:09 6 furnish that report to you and your counsel and counsel for the  
15:01:13 7 government.

15:01:18 8           I ask you at this time, Mr. Martinez-Martinez, have you  
15:01:21 9 had an opportunity to read and discuss the presentence report  
15:01:24 10 and any addendum with your lawyer?

15:01:35 11           THE DEFENDANT: Yes, sir.

15:01:36 12           THE COURT: And do you or Ms. Copeland now have any  
15:01:38 13 objections to either the factual accuracy of the report or to  
15:01:40 14 the probation officer's application of the Sentencing  
15:01:42 15 Guidelines?

15:01:48 16           THE DEFENDANT: No, sir.

15:01:49 17           MS. COPELAND: No, Your Honor.

15:01:50 18           THE COURT: There being no objections to the factual  
15:01:52 19 statements or to the probation officer's conclusions as to the  
15:01:56 20 applicable Advisory Guidelines contained in the presentence  
15:01:59 21 investigation report, the Court adopts those facts and  
15:02:06 22 conclusions. Accordingly, the Court determines that the  
15:02:11 23 applicable Advisory Guidelines are a total offense of 19,  
15:02:16 24 Criminal History Category I, 30 to 37 months of imprisonment,  
15:02:20 25 one to three years of supervised release, a \$10,000 to a

15:02:27 1 \$100,000 fine, no restitution and a \$100 special assessment.

15:02:33 2 Ms. Copeland, do you now wish to make any statement or  
15:02:38 3 present any information in mitigation of sentence?

15:02:42 4 MS. COPELAND: I do, Your Honor.

15:02:43 5 THE COURT: Yes, ma'am.

15:02:44 6 MS. COPELAND: Your Honor, I have no objections to the  
15:02:46 7 guideline calculations, but I want to speak today about the  
15:02:49 8 3553(a) factors.

15:02:51 9 This case arose from a state search warrant executed on  
15:02:54 10 August 20th, 2017. My client wasn't a target of the search  
15:02:58 11 warrant and wasn't even named in the warrant's affidavit or the  
15:03:02 12 warrant itself. Instead, he lived on one of the four or five  
15:03:05 13 trailers on a 26-acre parcel of land, which everyone refers to  
15:03:09 14 as the farm. He had an entirely different address than the one  
15:03:12 15 in the search warrant.

15:03:14 16 Officers found four firearms in his room, including two  
15:03:18 17 12-gauge shotguns and -- or, I'm sorry, a 12-gauge shotgun, a  
15:03:22 18 20-gauge shotgun and a rifle, as well as an inoperable  
15:03:26 19 semiautomatic pistol. They also found a .45 in his car.

15:03:27 20 You may ask why were there so many guns. Your Honor,  
15:03:30 21 you'll notice that Mr. Martinez lived in a trailer on a farm in  
15:03:33 22 Rincon, and he tells me coyotes would eat the chickens at the  
15:03:37 23 farm. I'll also mention here that the .22 pistol had a 32-round  
15:03:42 24 magazine, but the pistol was inoperable due to missing pieces in  
15:03:46 25 its firing pin components.

15:03:47 1           There is Eleventh Circuit case law saying that  
15:03:50 2           inoperable firearms count as firearms nonetheless. I will tell  
15:03:53 3           you that; I want to be very up front about that. But  
15:03:56 4           Mr. Martinez got that firearm as a gift, saying you may or may  
15:04:00 5           not be able to fix it, here it is. This turned out to be quite  
15:04:03 6           a gift because it drastically increased his sentence. It upped  
15:04:07 7           his base offense level to 20, and without this enhanced magazine  
15:04:12 8           he would have been looking at a 12- to 18-month range.

15:04:15 9           As you know, Mr. Martinez is here today because of a  
15:04:18 10          status crime, the fact that he's an illegal alien who possessed  
15:04:21 11          firearms in the United States. He pleaded guilty to that crime,  
15:04:24 12          and as you'll see in the PSI, he's accepted responsibility.

15:04:27 13          I just want to tell you this afternoon a bit about his  
15:04:30 14          time in America, a time that has spanned about 20 years. He  
15:04:33 15          came here to work. Before his incarceration he worked seven  
15:04:36 16          days a week, often from five in the morning till eight at night.  
15:04:39 17          He started off in agricultural work in Florida picking  
15:04:42 18          watermelon, cantaloupe and pumpkins. He then worked  
15:04:46 19          construction in Augusta fixing railroad tracks and doing asphalt  
15:04:48 20          and concrete work. I asked him to elaborate, and he told me  
15:04:50 21          that that work included breaking concrete for sewer  
15:04:53 22          installations and fixing sidewalks.

15:04:55 23          He recently moved, within the last few years, to  
15:04:57 24          Savannah and worked for a tree service that subcontracted with  
15:05:00 25          Georgia Power. He's one of the people who cleans up after

15:05:03 1 storms, in addition to doing regular maintenance work.

15:05:06 2 Mr. Martinez's regular jobs usually had him working  
15:05:09 3 Monday through Saturday, and when he wasn't working at his  
15:05:12 4 regular job, which, again, took him about 15 hours a day, he  
15:05:15 5 worked on Sundays in side jobs often doing landscaping.

15:05:18 6 I asked him, I said, Mr. Martinez, why did you work so  
15:05:20 7 much? He told me that that's why he came here. He supports his  
15:05:24 8 own four children, three of whom are American-born citizens and  
15:05:29 9 one of whom is a DACA Dreamer. He supports his mother, sister  
15:05:33 10 and niece in Mexico, and with what's left over he supports  
15:05:34 11 himself.

15:05:34 12 As you'll see, there's a translator here today, so I  
15:05:37 13 asked Mr. Martinez why he never became fluent in English during  
15:05:41 14 his time here. He told me he speaks and understands some  
15:05:44 15 English, although he's more comfortable with Spanish, and he  
15:05:46 16 told me he always spoke enough English to do whatever job he was  
15:05:49 17 doing.

15:05:50 18 I asked him why he never took classes to learn the  
15:05:53 19 language, and he reminded me that he's been working 14 hours a  
15:05:56 20 day for six days a week and doing side jobs on Sundays for the  
15:05:59 21 last 20 years.

15:06:00 22 I then asked him, I said, you know, why didn't you  
15:06:02 23 become a citizen? You've been here a couple of decades, and  
15:06:05 24 that would have prevented your arrest on this current crime, and  
15:06:07 25 he told me that there were several reasons. First, he believed

15:06:10 1 the easiest way would have been to marry an American woman. He  
15:06:13 2 had a household, though, with a fellow illegal alien and they  
15:06:18 3 had children together. He didn't want to tear asunder his  
15:06:21 4 family. Second, he told me it cost a lot of money, and he had  
15:06:25 5 people to support both here and in Mexico. A few years ago he  
15:06:28 6 saved \$8,000 and paid a man who held himself out as an attorney.  
15:06:32 7 The man said the \$8,000 would pay for citizenship for himself,  
15:06:36 8 his partner at the time and his oldest son, whose school later  
15:06:38 9 helped him free of charge obtain DREAMer status. The man took  
15:06:41 10 his \$8,000 and did nothing for Mr. Martinez, and Mr. Martinez  
15:06:45 11 did not become a citizen.

15:06:46 12 Today, given the enhanced base level for a large-  
15:06:49 13 capacity magazine and the number of guns, he faces a total  
15:06:52 14 offense of 19 and a criminal history category of I. He has  
15:06:55 15 prior convictions only for DUIs. Now, there are three of them,  
15:06:58 16 in 2002, 2010 and 2013 and related traffic offenses. He has no  
15:07:03 17 other convictions, no immigration offenses, just the three DUI  
15:07:07 18 convictions and related traffic offenses.

15:07:09 19 He is in the 30- to 37-month Guidelines range, and he's  
15:07:13 20 already served about 10 months in jail. He will almost  
15:07:17 21 certainly be deported when his custodial sentence ends. On his  
15:07:22 22 behalf I would ask today for a variance below the advisory range  
15:07:25 23 given these 3553(a) factors that I have set forth here.

15:07:29 24 Judge, I would suggest today the 12- to 18-month range  
15:07:33 25 that would have applied if someone hadn't given him the .22



15:07:36 1 pistol with the 32-round magazine. Again, that pistol was  
15:07:39 2 inoperable, and it just didn't work, but it did have a great  
15:07:42 3 effect on his Guidelines range. Thank you, Your Honor.

15:07:44 4 THE COURT: Thank you, Ms. Copeland. Does the  
15:07:48 5 government wish to present any information as to the appropriate  
15:07:51 6 sentence, Ms. Groover?

15:07:53 7 MS. GROOVER: Thank you, Your Honor. The government  
15:07:54 8 believes that a guideline sentence would be appropriate in this  
15:07:56 9 case. Although the defendant does have a criminal history score  
15:07:59 10 of zero, his criminal history began just three years after he  
15:08:02 11 illegally entered this country.

15:08:04 12 In 2002 he got a DUI; in 2010, another DUI, more than  
15:08:10 13 twice the legal limit; and again in 2013, his third DUI, again,  
15:08:14 14 more than twice the legal limit. Yet despite his extensive  
15:08:18 15 drinking and driving problem, he's never enrolled in any kind of  
15:08:22 16 substance abuse treatment for this.

15:08:25 17 And in this case law enforcement executed a search  
15:08:28 18 warrant and attributed five firearms to him, and even though  
15:08:31 19 only five were attributed, he had access to nine more that were  
15:08:34 20 found on the property.

15:08:35 21 And, Your Honor, the government respectfully submits --

15:08:39 22 THE COURT: Well, I know there were a lot of firearms  
15:08:41 23 found on this property, but those -- all of those firearms  
15:08:44 24 aren't attributable to Mr. Martinez.

15:08:46 25 MS. GROOVER: That's correct. There was only five that

15:08:49 1 were attributed to him.

15:08:49 2 THE COURT: And one of them was an inoperable firearm.

15:08:52 3 MS. GROOVER: Because it was missing a piece.

15:08:54 4 THE COURT: Four were in the trailer, and one was in the  
15:08:57 5 automobile.

15:08:58 6 MS. GROOVER: That's correct.

15:08:59 7 THE COURT: Okay. Yeah, I don't know why -- maybe  
15:09:03 8 Ms. Copeland can explain it to me. You know, I've heard this  
15:09:07 9 argument before, well, there were -- you know, I lived on a farm  
15:09:11 10 and there were coyotes, and therefore, I needed all of these  
15:09:15 11 firearms to protect. But I don't know why a .45 in the vehicle  
15:09:18 12 would be something that you'd go coyote hunting with, but maybe  
15:09:22 13 Ms. Copeland can explain that to me.

15:09:24 14 MS. GROOVER: Or why you need more than one gun for that  
15:09:27 15 offense. And so the government respectfully submits that given  
15:09:30 16 his criminal history and the number of firearms, that a  
15:09:32 17 guideline sentence would be appropriate in this case.

15:09:33 18 THE COURT: Well, you talk about the criminal history.  
15:09:56 19 And one of the -- you know, one of the things that always  
15:10:00 20 astonishes me in these cases is time after time somebody like  
15:10:03 21 Mr. Martinez will be arrested on a traffic offense, usually DUI.  
15:10:10 22 He had one when he was 25, then eight years later -- and the  
15:10:17 23 state did nothing. They could have turned him over to the  
15:10:22 24 Customs and Immigration at the time and he could have possibly  
15:10:25 25 been deported. Then eight years later he gets another traffic

15:10:30 1 offense. Again, you know, the state -- he gets a suspended  
15:10:35 2 sentence, just like he did the first time. The state does  
15:10:40 3 nothing about turning him over to Customs and Immigration  
15:10:44 4 authorities. Then three years later, in 2013, he gets another  
15:10:50 5 DUI. It's the same thing. He served three days, and then he  
15:10:57 6 got probation; and again, you know, this was in 2013. And the  
15:11:04 7 state authorities don't do anything about saying, well, he's a  
15:11:09 8 bad person, he's illegal, he oughta be -- he oughta be deported.

15:11:16 9 But now, you know, I get the argument -- and I know I'm  
15:11:21 10 talking to the federal government, not the state government now.  
15:11:24 11 But now I get the argument that somehow he's a really, you know,  
15:11:31 12 bad person because he's had these DUIs that took place over a  
15:11:38 13 number of years. And so as I look at his PSI and as I look at  
15:11:48 14 his history, then I have to agree with what Ms. Copeland said,  
15:11:53 15 that even though he's illegal, you know, he's apparently worked  
15:11:59 16 pretty hard while he's been here and he hadn't had any -- you  
15:12:02 17 know, he hadn't had any assaults.

15:12:04 18 You know, I get these cases all the time where they've  
15:12:07 19 had assaults; you know, they've had domestic violence with their  
15:12:13 20 wife or some woman that they're living with, or shoplifting or  
15:12:18 21 various other things. But as far as the PSI that I'm looking  
15:12:21 22 at, I'm looking at a man who's here illegally, but has worked  
15:12:26 23 hard and he can't quit drinking when he's driving. Am I wrong  
15:12:32 24 about that?

15:12:33 25 MS. GROOVER: No, sir. The government doesn't disagree

15:12:35 1 that he's a hard worker, but the fact remains that he's in this  
15:12:40 2 country and needs to abide by our laws, and he just hasn't, and  
15:12:44 3 he's illegally possessed five of those firearms. And the  
15:12:46 4 government respectfully submits that a guideline sentence would  
15:12:49 5 be appropriate.

15:12:50 6 THE COURT: Well, another thing that bothers me about  
15:12:52 7 this case is I look at the PSI, and we look at the previous  
15:12:55 8 history, and I saw where he worked for a number of years with  
15:13:00 9 this company that was doing this railroad track work and other  
15:13:05 10 work. But then he goes over and he works for this tree removal  
15:13:12 11 company -- and I've stated this before and I'll state it again.  
15:13:37 12 Let me find it.

15:13:38 13 This company called Wolf Tree in Rincon. Now, that's  
15:13:44 14 just down the road over here. You know, you can almost throw a  
15:13:47 15 rock and hit Rincon from here. Just down the road. And he's  
15:13:51 16 apparently worked with them from 1915 (sic) until his arrest in  
15:13:59 17 this case. And I guess they were paying him under the table,  
15:14:03 18 \$700 a week. Because he didn't have any Social Security card,  
15:14:09 19 apparently they weren't withholding anything from him. And it  
15:14:13 20 said -- but the PSI says Wolf Tree had no record of his  
15:14:17 21 employment.

15:14:18 22 Well, sure, they had no record of his employment because  
15:14:21 23 they're paying him under the table. But nothing ever happens to  
15:14:24 24 people like this that hire people like Mr. Martinez and then  
15:14:32 25 enable him to stay here because he's got a job. And I can't

15:14:38 1 understand why nobody can ever verify -- if he's working for  
15:14:48 2 Wolf Tree -- you know, I don't know what goes on as far as  
15:14:52 3 trying to verify employment in those things. I don't know if  
15:14:57 4 the probation office ever goes over to the person that owns Wolf  
15:15:01 5 Tree and shows him his badge and say, hey, look here, I'm from  
15:15:05 6 the federal government. You've been hiring this man. Show me  
15:15:09 7 any records of him. Or I don't know if any ICE officer goes  
15:15:13 8 over there and shows them a badge to Mr. Wolf Tree and says,  
15:15:17 9 look, I'm here from the federal government, I'm here to ask you  
15:15:20 10 about Mr. Martinez so the Court can know about him. Seems to  
15:15:26 11 just -- you know, that that's not important, that the only  
15:15:30 12 important thing is just, you know, send him off.

15:15:34 13 And unfortunately, people like Mr. Martinez -- and he  
15:15:37 14 may fall in that category, I don't know. Unfortunately, if he  
15:15:42 15 is deported -- and he probably will be deported -- in a matter  
15:15:45 16 of months they're coming back into the United States; they're  
15:15:47 17 coming over the border in Texas or Arizona or they're coming in  
15:15:51 18 from Florida or wherever they come from. You see that. I see  
15:15:55 19 that. The officers see that. But I would like to get some  
15:16:03 20 information, particularly from some of these employers.

15:16:09 21 You know, I've got a man, his name is Carlos. He just a  
15:16:13 22 couple of years ago got his citizenship. He went through the  
15:16:19 23 process. He has a side job in addition to another job he has.  
15:16:24 24 And he comes to my property and trims the palm trees on my  
15:16:29 25 property and trims other trees on my property. But I never paid

15:16:35 1 him a dime, and I never hired him until he could prove to me  
15:16:40 2 that he was a United States citizen. And why other people can't  
15:16:47 3 do that is just beyond me.

15:16:52 4 So anyway, go ahead. I'm sorry. Anything else you want  
15:16:57 5 to say?

15:16:58 6 MS. GROOVER: We appreciate your -- the government  
15:17:01 7 appreciates your points, Your Honor. We will look into the  
15:17:04 8 matter with respect to the employment issues, Your Honor. But  
15:17:06 9 those points aside, he still needs to follow the laws in this  
15:17:10 10 country. Thank you, Your Honor.

15:17:11 11 THE COURT: Thank you. Mr. Martinez-Martinez, the law  
15:17:17 12 provides that you have the right to make any personal statement  
15:17:21 13 to the Court before the imposition of sentence. Is there any  
15:17:23 14 personal statement that you wish to make or any additional  
15:17:26 15 information that you wish the Court to consider in mitigation of  
15:17:29 16 your sentence?

15:17:30 17 THE INTERPRETER: He says, "I apologize to the Court, I  
15:17:44 18 apologize to the people in government. And I don't have any  
15:17:47 19 more additional information. And I apologize."

15:17:49 20 THE COURT: I've listened to the defendant and to  
15:17:55 21 defendant's counsel and to counsel for the government. I've  
15:17:57 22 reviewed the presentence investigation report. I've also  
15:18:00 23 considered the factors set forth in 18 United States Code  
15:18:05 24 Section 3553(a).

15:18:07 25 Pursuant to the Sentencing Reform Act of 1984, it is the

15:18:10 1 judgment of the Court that the defendant, Mr. Martinez-Martinez,  
15:18:15 2 is hereby committed to the custody of the Bureau of Prisons to  
15:18:18 3 be imprisoned for a term of 24 months. And upon release from  
15:18:27 4 confinement the defendant shall be delivered to a duly  
15:18:32 5 authorized Immigration and Customs Enforcement officer for  
15:18:36 6 deportation proceedings. It's recommended that the defendant be  
15:18:41 7 given credit toward this federal sentence for all time served in  
15:18:44 8 custody since August 20, 2017 that is not credited toward  
15:18:49 9 another sentence.

15:18:50 10 The Court has granted a variance in this case based upon  
15:18:55 11 the 3553 factors. The Court has considered the nature and  
15:19:01 12 circumstances of the offense, and the Court has considered the  
15:19:05 13 history of this defendant, whose only prior criminal history  
15:19:08 14 over all the years that he's been in the United States, which  
15:19:10 15 have been way too many for someone who was illegal, of having  
15:19:16 16 three DUI offenses for which he got a suspended sentence in  
15:19:22 17 every case.

15:19:24 18 The Court has considered the seriousness of the offense,  
15:19:29 19 and in the Court's opinion a 24-month sentence, under the  
15:19:33 20 circumstances of this defendant, will provide just punishment  
15:19:38 21 for the offense, and it will also adequately protect the public  
15:19:42 22 from any future crimes of this defendant because when he is  
15:19:46 23 released, he should be deported. And that will protect, like I  
15:19:57 24 said, from future crimes and is just punishment for this  
15:20:02 25 offense.

15:20:02 1 The Court has taken into consideration the argument of  
15:20:08 2 counsel that one of the firearms, the .22 pistol, was not  
15:20:14 3 operable, even though it doesn't have to be operable, but it  
15:20:20 4 was, in fact, not operable; and that .22 pistol increased his  
15:20:26 5 Guidelines significantly. And the Court has considered that  
15:20:30 6 argument and the facts of that in the sentence in this case.

15:20:37 7 It's recommended that the defendant be evaluated by  
15:20:43 8 Bureau of Prisons officials to establish his participation in an  
15:20:46 9 appropriate program of substance abuse treatment and counseling  
15:20:52 10 during his term of incarceration; and after considering the  
15:20:54 11 factors set forth at United States Sentencing Guidelines Section  
15:20:57 12 5E1.2(d), the Court has determined that the defendant does not  
15:21:01 13 have the ability to pay a fine. It's further ordered that the  
15:21:06 14 defendant shall pay to the United States a special assessment of  
15:21:08 15 \$100, which shall be due immediately. And pursuant to the plea  
15:21:13 16 agreement, the defendant shall forfeit his interest in any  
15:21:17 17 firearms and ammunition involved or used in the commission of  
15:21:21 18 the offense.

15:21:22 19 Upon release from imprisonment, the defendant shall be  
15:21:24 20 placed on supervised release for a term of three years, and  
15:21:27 21 while on supervised release, the defendant shall comply with the  
15:21:31 22 standard conditions of supervision adopted by this Court and the  
15:21:35 23 mandatory conditions required by 18 United States Code Section  
15:21:39 24 3583, which will include, but not be limited to, urine testing;  
15:21:44 25 a prohibition against the possession of any firearm or other



15:21:50 1 dangerous weapon; and a prohibition against the violation of any  
15:21:52 2 local, state or federal law. And further, the defendant shall  
15:21:56 3 cooperate in the collection of a DNA sample as directed by the  
15:21:59 4 probation officer pursuant to 18 United States Code Section  
15:22:04 5 3583.

15:22:04 6 While on supervised release, the defendant shall comply  
15:22:07 7 with certain special conditions imposed by the Court, and the  
15:22:12 8 Court has considered the factors set forth in 18 United States  
15:22:16 9 Code Section 3553 and 3583 and the relevant policy statements  
15:22:21 10 issued by the Sentencing Commission and has determined that  
15:22:25 11 these special conditions involve no greater deprivation of  
15:22:27 12 liberty than is reasonably necessary to achieve the purposes of  
15:22:31 13 sentencing. And the following special conditions are imposed:

15:22:34 14 If the defendant is ordered deported from the United  
15:22:46 15 States, the defendant must remain outside of the United States  
15:22:50 16 unless legally authorized to reenter. And if the defendant  
15:22:53 17 reenters the United States, the defendant must report to the  
15:22:57 18 nearest probation office within 72 hours after the defendant  
15:23:03 19 returns. And if not deported, the defendant must report to the  
15:23:07 20 nearest probation office within 72 hours of release from  
15:23:11 21 custody.

15:23:11 22 The probation officer is hereby directed to provide the  
15:23:14 23 defendant with a written statement which sets forth all the  
15:23:17 24 conditions to which the term of supervised release is subject.

15:23:21 25 And the Court has accepted the plea agreement because

15:23:23 1 it's satisfied that the agreement adequately reflects the  
15:23:26 2 seriousness of the actual offense behavior and that by accepting  
15:23:29 3 the plea agreement it will not undermine the statutory purposes  
15:23:31 4 of sentencing.

15:23:32 5 It is further ordered that defendant is remanded to the  
15:23:40 6 custody of the United States Marshal. The Court will recommend  
15:23:43 7 to the Bureau of Prisons that this sentence be served at the  
15:23:46 8 federal facility in Estill, South Carolina.

15:23:50 9 Mr. Martinez-Martinez, you're now advised it is your  
15:23:54 10 right to appeal from this sentence within 14 days from this  
15:23:57 11 date. A failure to appeal within the 14-day period shall be a  
15:24:01 12 waiver of your right of appeal, and the government may file an  
15:24:04 13 appeal of this sentence.

15:24:05 14 You're also advised that you're entitled to the  
15:24:07 15 assistance of counsel in taking an appeal, and if unable to  
15:24:11 16 afford a lawyer, one will be provided for you; and if you so  
15:24:14 17 request, the Clerk of Court will prepare and file a notice of  
15:24:18 18 appeal on your behalf.

15:24:19 19 Ms. Copeland, you've been furnished with your notice of  
15:24:24 20 your post-conviction obligation to consult with your client, and  
15:24:28 21 you and your client are directed to execute the form and to  
15:24:31 22 promptly file it with the Clerk of this Court.

15:24:33 23 Sentence has now been pronounced. Do you have any  
15:24:35 24 objections to the Court's findings of fact, conclusions of law  
15:24:38 25 or the manner in which the sentence was pronounced? Any from

15:24:41 1 the defendant, Ms. Copeland?

15:24:44 2 MS. COPELAND: No, Your Honor.

15:24:45 3 THE COURT: Any from the government, Ms. Groover?

15:24:47 4 MS. GROOVER: No, Your Honor.

15:24:48 5 THE COURT: If you'll let me know when everyone is ready  
15:24:53 6 to proceed in the next case, I'll come out.

15:24:56 7 (Proceedings concluded at 3:24 p.m.)

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## 1 CERTIFICATE OF OFFICIAL REPORTER

2  
3 I, Kelly McKee Dorsey, Registered Merit Reporter  
4 and Certified Realtime Reporter, in and for the United States  
5 District Court for the Southern District of Georgia, do hereby  
6 certify that pursuant to Section 753, Title 28, United States  
7 Code, that the foregoing is a true and correct transcript of  
8 the stenographically reported proceedings held in the  
9 above-entitled matter and that the transcript page format is in  
10 conformance with the regulations of the Judicial Conference of  
11 the United States.

12  
13 Dated this 20th day of June, 2018.

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17  
18 /s/ Kelly McKee Dorsey

19 KELLY MCKEE DORSEY, CCR, RMR, CCP

20 #2731  
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